GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Police - Disciplinary action against Sri K.S.R. Das, HC-362 of Vijayawada City, who retired from service on 31-01-2013 - Charges framed – drop further action under Rule-9 of APRP Rules-1980 - Orders - Issued.

HOME (SERVICES-II) DEPARTMENT

G.O.RT.No. 180 Dated: 19-02-2020
READ:

From the Director General of Police, Andhra Pradesh, Mangalagiri, Lr.Rc.No. 248/T3/2019, dated: 05-09-2019.

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O R D E R :-

In the reference read above, the Director General of Police, AP, has stated that the Commissioner of Police, Vijayawada City, vide letters dated: 19.12.18, 08.05.19 and 22.06.19 has stated that Sri K.S.R. Das, HC-362 of Vijayawada City, was handed up on the Major PR under Rule 20 of A.P. Civil Services [CCA] Rules, 1991 vide Memorandum Charge C.No.17/PR/2008, dated:28-05-2009 for the following charge:

Charge:- The Charged HC mislead the Officers and involved in a Criminal Case and his whereabouts are not known from 18-09-2008 to 26-12-2008. The Charged HC intentionally not taken / acknowledged the suspension order issued on 04-11-2008, and filed an O.A. No.10125/2008, in the Hon'ble APAT., Hyderabad the orders issued by the competent authority, while on authorized absence. He has not followed the procedure before filing the O.A. Thus by the above acts, the H.C.362 has exhibited high degree of misconduct under Rule 3 of APCS [Conduct] Rules-1984. He exhibited grave misconduct by unauthorized absence from duty and involvement in a Criminal Case vide Cr.No.464/2008 U/s.302 304-B IPC of Jubilee Hills Police Station, Hyderabad.

2. The Assistant Commissioner of Police, Head Quarters, Vijayawada City, was appointed as an Enquiry Officer vide C.No.17/PR/2008, dated:22-09-2009 to inquire into the charge.

3. The Hon'ble APAT vide their issued orders dt: 31-12-2009 in OA No.12950/2009 stayed the departmental proceedings initiated Sri K.S.R.Das, HC-362.

4. The Court of the Metropolitan Sessions Judge, Hyderabad in Sessions Case No.345/2011 issued orders dated.02-03-2016 as follows:-

The following are the 3 Points:

Point-1: PWs1 and 2 do not allege that the accused murdered the deceased. Though PW2 in the first instance stated as such, concluded that it is a suicide committed by the deceased. There is absolutely no material with the help of which can be concluded that the deceased was murdered.

Hence, it can be concluded that the Prosecution failed to prove the guilt of the Accused for the offence punishable under Section 302 IPC.

Point-2: The defence counsel, while answering an assumed question as to why the deceased could have committed suicide, if not for the harassment, says that the evidence shows that the parents of the deceased never visited her when she set up family at Hyderabad and when she was pregnant and hence it is possible that she being pregnant might have felt depressed and committed suicide. Though the said explanation is not wholly cogent, simply due to there being no answer for the reason for the suicide, the accused cannot be found guilty, when the evidence is not convincing. Hence, in view of the above this court opines that the prosecution failed to prove the guilt of the accused.

Point-3: In the result, the accused are found not guilty for the offence punishable under sections 302 and 304-B IPC and hence they are acquitted under section 235[1] Cr.PC.Mos 1 to 3 shall be destroyed after expiry of appeal time.

5. The Charged HC-362 filed an O.A.No.1086/2017 in the Hon'ble APAT praying the Tribunal to Quash Articles of Charge in C.No.17/PR/2008 dated: 28-05-2017. The Hon'ble APAT issued orders on 28-04-2017 in O.A.No.1086/2017 as follows:

> While disposed of the Original Application at the admission stage directing the Commissioner of Police, Vijayawada City, to consider representation dated.31-08-2016 of the applicant on merits and as per rules and take a decision as to whether the disciplinary proceedings pending against the applicant should be proceeded with and whether the applicant is entitled for release of withheld portion of pension and other benefits or not. the said decision has to be taken by the Commissioner of Police, Vijayawada City with a period of six weeks from the date of receipt of copy of this order.

6. The charged officer HC-362 of Vijayawada City has filed another O.A.No.1907/2017 and the Hon'ble APAT issued orders on 18-07-2017 as follows:

> The departmental enquiry shall go on, passing of Final Order on the Enquiry Report by the 2nd respondent [the Commissioner of Police, Vijayawada City] is stayed pending the original application.

7. After conducting the oral enquiry the ACP Headquarters, Vijayawada and Enquiry Officer held the charges proved vide his findings dt: 14-10-2018.

8. Agreeing with the findings of the Enquiry Officer, the Commissioner of Police, Vijayawada City, has issued "Show Cause Notice" dated: 29-10-2018 along with Minutes issued to Charged HC on 06-11-2018, to submit his 'Further Representation'. The Charged [Retd] HC has submitted his 'Further Representation' to the Show Cause Notice on 16-11-2018.

9. The Director General of Police, has forwarded the OEPR in respect of Sri K.S.R Das, HC-362 of Vijayawada City, who retired from Service on 31.01.2013 along with Revised Checklist information and Annexure format, as the Government is competent to dispose the P.R under Rule-9 of A.P. Revised Pension Rules-1980.

10. Government, after careful examination of the report of the Enquiry Officer keeping in view the orders of the Court of Metropolitan Sessions Judge in Sessions Case No. 345/2011, dt: 02-03-2016 hereby drop further action against Sri K.S.R Das, HC-362 of Vijayawada City, (Retired) under Rule 9 of A.P. Revised Pension Rules, 1980.

11. The Director General of Police, Andhra Pradesh is requested to take necessary further action in the matter accordingly. The records received through the letter 1st read above are returned herewith and receipt of the same should be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.R.M. KISHORE KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, Andhra Pradesh, Mangalagiri (we- Records in original)
The Accountant General of Andhra Pradesh, Hyderabad.
The Director of Treasuries & Accounts, Ibrahimpatnam, Krishna District.
The Commissioner of Police, Vijayawada City.
The individual through the Director General of Police, Mangalagiri.
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER